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The Commonwealth of Massachusetts
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STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Departments

From: Stephen D. Coan
State Fire Marshal

Date: December 19, 2014

RE: Hazmat Legislation

On December 16, 2014, Governor Patrick signed into law “An Act Relative to Hazardous Materials Response” (Chapter 391 of the Acts of 2014).

This bill amends section 5 of Chapter 21K of the General Laws by authorizing the Department of Fire Services to recover its costs not only for the **release** of a hazardous material but the **threat of release** of a hazardous material as well. This will allow the Department of Fire Services to bill for those serious incidents where there has not been a hazmat release however, such a release may be imminent and requires monitoring by the statewide Hazmat Team.

The second change to section 5 of Chapter 21K of the General Laws creates an exception from liability for any person who owns or rents and occupies, a family residence, which is the scene of an emergency response for the release of hazardous materials. If that person did not unlawfully possess or use the hazardous material in question, were not grossly negligent, and acted to notify the fire department, they may be exempted from liability by filling out a form provided by the Department of Fire Services. This so called good faith or “innocent homeowner” exception will remove any deterrent for the average homeowner to contact their local fire department in the event of a hazardous materials release, which may occur.

We are grateful to Senator Timilty, the Legislature and Governor Patrick for signing this important bill, which brings the proper balance to this important emergency response law.

If you have any questions regarding these changes, please contact the Hazardous Materials Response Division at (978) 567-3152.

Administrative Services • Division of Fire Safety
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